

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TALLI J. MCFADDEN, :  
Plaintiff, :  
: :  
v. : : CIVIL ACTION NO. 18-CV-3779  
: :  
APPLE INC., *et al.* : :  
Defendants. : :  
: :  
: : FILED

SEP 12 2018

KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

AND NOW, this 12<sup>th</sup> day of September, 2018, upon consideration of Plaintiff Talli J. McFadden's Motion to Proceed *In Forma Pauperis* (ECF No. 1), his Prisoner Trust Fund Account Statement (ECF No. 3), his *pro se* Complaint (ECF No. 2), and his Motion for Appointment of Counsel (ECF No. 4), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. Plaintiff Talli J. McFadden, #53960-066 shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by McFadden, an initial partial filing fee of \$210.91 is assessed. The Warden or other appropriate official at the Federal Detention Center in Philadelphia or at any other prison at which McFadden may be incarcerated is directed to deduct \$210.91 from McFadden's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 18-3779. In each succeeding month when the amount in McFadden's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding

month's income credited to McFadden's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 18-3779.

3. The Clerk of Court is **DIRECTED** to send a copy of this order to the Warden at the FDC in Philadelphia.

4. The Complaint is **DISMISSED** for the reasons stated in the Court's Memorandum. McFadden's federal claims are **DISMISSED with prejudice** as time-barred, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), and his state claims are **DISMISSED without prejudice** for lack of subject matter jurisdiction. McFadden is not given leave to file an amended complaint in this case.

5. The Motion for Appointment of Counsel is **DENIED**.

6. The Clerk of Court shall **CLOSE** this case.

**BY THE COURT:**



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JUAN R. SANCHEZ, C.J.